

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT IN AND  
FOR ORANGE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 2018-CA-012128-O

SHARRIF K. FLOYD

Plaintiff,

vs.

DR. JAMES ANDREWS, M.D.; DR. GREGORY  
HICKMAN, M.D.; DR. CHRISTOPHER WARRELL,  
M.D.; DR. TARIQ HENDAWI, M.D.; THE ANDREWS  
INSTITUTE AMBULATORY SURGERY CENTER,  
LLC; PARADIGM ANESTHESIA, P.A.; BAPTIST  
HOSPITAL, INC.; BAPTIST HEALTH CARE  
CORPORATION; GULF BREEZE HOSPITAL, INC.,  
BAPTIST HOSPITAL, INC. d/b/a GULF BREEZE  
HOSPITAL; AND BAPTIST PHYSICIAN GROUP, LLC,

Defendants.

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**DEFENDANT THE ANDREWS INSTITUTE AMBULATORY SURGERY  
CENTER, LLC'S RESPONSE TO PLAINTIFF'S OMNIBUS MEMORANDUM IN  
OPPOSITON TO DEFENDANTS' MOTION TO TRANSFER**

COMES NOW Defendant, THE ANDREWS INSTITUTE AMBULATORY  
SURGERY CENTER, LLC (hereinafter "ASC"), by and through their undersigned  
counsel, and hereby respectfully submits this Response to Plaintiff's Omnibus  
Memorandum in Opposition to Defendants' Motions to Transfer, stating as follows:

## INTRODUCTION

On December 27, 2018, ASC filed its Notice of Adoption of Co-Defendants' Motion to Transfer Venue. Co-Defendants' Motion to Transfer Venue is based upon Section 47.122, Florida Statutes, which allows the trial court to transfer any civil action to any other court in which the venue is appropriate "for the convenience of the parties or witnesses or in the interest of justice." See Fla. Stat. § 47.122 (2017). Plaintiff's Omnibus Memorandum asserts – without any citation to authority – that this Court is barred from transferring venue unless Defendants demonstrate Orange County creates a "*substantial inconvenience to parties and witnesses.*" (See Omnibus Memorandum, p. 1) (emphasis in original) This, however, is not the standard set forth by Section 47.122 or the body of case law interpreting and applying *forum non conveniens* analysis. The proper application of Section 47.122 strongly favors transfer of this case to Santa Rosa County.

## LEGAL ARGUMENT

Under Section 47.122, the trial court may transfer any civil action to any other court in which the venue is appropriate "for the convenience of the parties or witnesses or in the interest of justice." See Fla. Stat. § 47.122 (2017). In his Omnibus Memorandum, Plaintiff incorrectly states the standard of analysis this court should apply to Defendants' Motion to Transfer for *forum non conveniens*. Specifically, Plaintiff claims Defendants must demonstrate Orange County creates a "*substantial inconvenience to parties and witnesses.*" (See Omnibus Memorandum, p. 1) (emphasis in original) It should be noted

that Plaintiff provides no authority supporting his interpretation of the standard this Court should apply.

As the District Courts of Appeal have made clear, the statutory elements of Section 47.122 are listed in a disjunctive and, as a result, a court may change venue based upon any of the listed factors. Hu v. Crockett, 426 So.2d 1275, 1277 (Fla. 1<sup>st</sup> DCA 1983) (emphasis added). A plaintiff's choice of venue will not be honored where the convenience of the parties or witnesses, or the interests of justice, require the action be transferred. Burger King Corp. v. Koeppe, 564 So.2d 209 (Fla. 3d DCA 1990) (emphasis added) A trial court abuses its discretion if it denies a motion for change of venue when a defendant has established that the forum is not convenient under Section 47.122. See e.g., Cooper Tire & Rubber Co. v. Estate of Chavez, 8 So.3d 1157, 1159 (Fla. 3d DCA 2009) ("We hold that the trial court abused its discretion by not transferring the action from Miami-Dade County to Lee County where the accident occurred, and the primary witness resided").

**A. The Panhandle Presents a More Convenient Forum for the Parties**

Plaintiff's Omnibus Memorandum contends Orange County is a more convenient forum for him. But a plaintiff's choice of venue is not a paramount consideration; it is merely a "meaningful one in assessing the convenience of the parties." Darby v. Atlanta Cas. Ins. Co., 752 So.2d 102, 103 (Fla. 2d DCA 2000) (quoting J.L.S. v. R.J.L., 708 So.2d 293, 295 (Fla. 2d DCA 1998)) Mr. Floyd, resides in Philadelphia, Pennsylvania and would not be unduly burdened by a transfer of venue. While much of Plaintiff's memorandum seeks to portray the Florida Panhandle as a provincial backwater,

Pensacola, like Orlando, is easily accessible via non-stop air travel from Philadelphia International Airport. (See Affidavit of Kirk Carter, attached hereto as Exhibit “A,” at ¶     )

Defendant ASC maintains its principal place of business in Santa Rosa County. (See Affidavit of Terri Gatton, attached hereto as Exhibit “B,” at ¶ 2) All of ASC’s officers, directors, and employees reside in either Escambia or Santa Rosa County. (See Gatton Aff. at ¶ 3) A trial in Orange County would represent a significant financial hardship for ASC, requiring the practice to close for an extended period so that agents, employees, and representatives could be available to testify before an Orange County jury nearly 450 miles away. (See Gatton Aff. at ¶ 7) Transfer of venue to Santa Rosa County would undoubtedly ease these burdens, saving ASC’s employees, agents, and representatives from a six to seven hour drive along with hotel expenses and the costs and financial losses associated with closing the practice for the duration of the trial.

As for the remaining eight parties to this action, six are residents of or domiciled in the Panhandle and all of them have expressed that Santa Rosa County presents a more convenient forum. Only one party to this action, Defendant Christopher Warrell, M.D. resides in Orange County. All of the allegations related to Dr. Warrell’s care relate to events which occurred exclusively in Santa Rosa County.<sup>1</sup> Dr. Warrell has expressed his

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<sup>1</sup> Plaintiff’s Omnibus Memorandum overstates the role of Dr. Warrell in the operative procedure at issue in an effort to bolster his argument for Orange County. As Dr. Andrews has stated – under oath – Dr. Warrell observed the procedure on Mr. Floyd’s knee but did not perform any part of the procedure. (See Andrews Affidavit, Exhibit “    ” to Defendants’ Motion to Transfer, ¶ 2) This is corroborated by the very operative report Plaintiff relies on. The operative report clearly lists Dr. Andrews as the surgeon for the procedure and identifies Dr.

support to transfer venue to Santa Rosa County. (See Warrell Aff. at ¶ 4). Again, every Defendant has expressed a preference to see this case tried in the Panhandle and presented testimony that doing so would be more convenient for the parties and Plaintiff's stated basis for Orange County being a more convenient forum – the existence of an international airport – is obviated by the availability of non-stop air service from Philadelphia to Pensacola.

Plaintiff's Omnibus Memorandum also discusses the relative convenience for counsel, which is not a statutory consideration for *forum non conveniens* analysis. Plaintiff has provided no authority supporting his position that "convenience of counsel" is a valid consideration under Section 47.122. Even if the Court were to entertain the "convenience of counsel" in performing *forum non conveniens* analysis, the factor would weigh in favor of Santa Rosa County. Counsel for Dr. Hickman and ASC are located in Tallahassee, approximately two and a half hours from the Santa Rosa County Courthouse via I-10. (See Carter Aff. at ¶ \_\_) The Orange County Courthouse is a four-hour drive for Tallahassee-based counsel and an even more arduous six hour and twenty-seven minutes from Mr. Daniel's office in Pensacola. (See Carter Aff. at ¶ \_\_) Meanwhile, Plaintiff's counsel, who maintains his practice in Coral Gables, Florida, would have several direct flights available from Miami International Airport to Pensacola International Airport. (See Carter Aff. at ¶ \_\_)

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Warrell as an "Assistant." (CITE) In addition, the operative report notes "Qualified assistants were required for patient transport, positioning and wound closure." (CITE) Nothing in the operative report supports Plaintiff's assertion that Dr. Warrell performed the surgical procedure at issue.

## **B. The Panhandle Presents a More Convenient Forum for Witnesses**

“The most important consideration when determining whether to grant a section 47.122 motion is the convenience of the witnesses.” Universal Property & Cas. Ins. Co. v. Long, 157 So.3d 382, 384 (Fla. 2d DCA 2015) (citing Fla. Health Scis. Ctr. v. Elsenheimer, 952 So.2d 575, 578 (Fla. 2d DCA 2007)). But, “for a court to consider the convenience of the witnesses, the court must know who the witnesses are and the significance of their testimony.” Hu v. Crockett, 426 So.2d 1275, 1279 (Fla. 1<sup>st</sup> DCA 1983).

While the affidavit of Plaintiff’s counsel listed several witnesses – including famous football players and coaches – Plaintiff has provided no indication of the scope or significance of their testimony. Instead, he broadly indicates these individuals – some whose only involvement with Mr. Floyd appear to be limited to his college career – may have “knowledge” in the case. This is not sufficient to establish “convenience of the witnesses” for *forum non conveniens* purposes. See e.g. Hu, 426 So.2d at 1279 (“Therefore, it is apparent that the witnesses who will be called, especially the key witnesses, should be specified with a general statement as to the nature of their testimony.”)

Even if this Court were to consider Plaintiff’s improper and inadequate representation of potential witnesses, the analysis still favors Santa Rosa County as a more convenient forum. Mr. Sohn’s affidavit identifies four non-party witnesses residing in Florida, two reside in Santa Rosa County. (See Sohn Aff. ¶ 8(a)). According to Mr. Sohn, one witness lives in the “Orlando area” but no further specification is given. As

with the Panhandle-based parties to this action, the two witnesses identified by Plaintiff as residing in Santa Rosa County would also be burdened by the 450 mile trip to Orlando.

In addition to the Florida witnesses, Plaintiff has identified twenty-one (21) witnesses purportedly residing in Minnesota. (Id.) Under Florida Rule of Civil Procedure 1.410(e)(2) these witnesses will, in all likelihood, be deposed in Minneapolis, Minnesota. Should any of these twenty-one (21) witnesses be called to testify at trial, Pensacola is readily accessible by air travel with Pensacola International Airport offering connections via major airline hubs in Atlanta (Delta), Charlotte (American Airlines), Chicago-O'Hare (American Airlines and United Airlines), Dallas (American Airlines), Houston (United Airlines), Philadelphia (American Airlines), Miami (American Airlines), Philadelphia (American Airlines), and Washington (American Airlines). (See Carter Aff. at ¶ \_\_)

Mr. Sohn's affidavit also includes anticipated witnesses in Arizona (1 witness), Iowa (1 witness), Massachusetts (1 witness), New York (5 witnesses), Ohio (1 witness), South Carolina (1 witness) will also, undoubtedly, be deposed in their counties of residence. (See Sohn Affidavit, ¶ 8(a)) In the rare event they are needed to testify in-person before a jury, they are also capable of conveniently accessing Pensacola via several major airlines. As for Plaintiff's anticipated witnesses in Colorado (2 witnesses), Georgia (2 witnesses), and Pennsylvania (1 witness), Pensacola International Airport offers direct flights to Denver, Atlanta, and Philadelphia, respectively. (See Carter Aff. at ¶ \_\_)

For its part, Defendant ASC has provided an affidavit indicating possible witnesses, the scope of their involvement with Mr. Floyd, and the subject matter about

which they are expected to testify. (See Carter Aff. ¶ \_\_) These seven (7) non-party witnesses were involved in Mr. Floyd's medical care and treatment and have first-hand knowledge of Mr. Floyd's condition and treatment at the time they were involved in his care. (See Carter Aff. at ¶ \_\_) All of these witnesses reside and/or practice medicine in Santa Rosa County. (See Carter Aff. at ¶ \_\_) All of these witnesses would be required to drive over six hours to testify before an Orange County jury. (See Carter Aff. at ¶ \_\_) In addition to these specific individuals, every ASC agent, employee, or representative with information or knowledge related to Mr. Floyd's condition, care, or treatment is located in the Florida Panhandle. (See Gatton Aff. at ¶ 5) Also located exclusively in the Florida Panhandle are the documents, contracts, corporate records, and medical records relevant to this action. (See Gatton Aff. at ¶ 4)

Co-Defendants have also identified material witness in the Florida Panhandle for whom traveling to Orange County would create a hardship. (See Andrews Affidavit, at ¶¶ 1, 4, 6-8; Raynes Aff. at ¶¶ 1, 4, 6, 8; Faulkner Aff. at ¶¶ 1, 4, 6, 8; Cardwell Aff. at ¶¶ 1, 4, 6, 8) Co-Defendants have set forth the nature and significance of these witnesses' testimony. (See Andrews Aff. at ¶¶ 2-5; Raynes Aff. at ¶¶ 4-7; Faulkner Aff. at ¶¶ 4-7; Cardwell Aff. at ¶¶ 4-7)

### **C. The Interests of Justice Warrant Transfer to the Panhandle**

In his Omnibus Memorandum, Plaintiff asserts "Orlando has a significant interest in policing the negligence of its very own doctors, as it also would in absolving him." (See Omnibus Memorandum, p. 5). By Plaintiff's own logic, the Panhandle has a more compelling claim to this litigation. Dr. Hickman has practiced as an anesthesiologist in



the Panhandle for over twenty (20) years. By Plaintiff's own admission, Dr. Andrews is "his hospital-system's true icon" who has practiced in the Panhandle for longer than Dr. Hickman. (See Omnibus Memorandum, p. 5) ASC has operated in Gulf Breeze, Florida since 2007. (See Carter Aff. at ¶ \_\_) In addition, as Plaintiff has acknowledged, the Baptist Defendants are one of the largest employers in the region and long-standing institutions in Escambia and Santa Rosa Counties that have provided medical services since the 1950s. (See Omnibus Memorandum, p. 5; Carter Aff. at ¶ \_\_) By comparison, Dr. Warrell began his current practice in Orlando in September 2017. (See Carter Aff. at ¶ \_\_) Given the importance of the institutional Defendants to the Panhandle; the long, distinguished, practices of both Dr. Hickman and Dr. Andrews; and the fact both non-Panhandle Defendants completed fellowships at ASC; Santa Rosa County has significantly more interest in "policing the negligence" of their hospitals and doctors.

Plaintiff's Omnibus Memorandum also asserts that any judge in Santa Rosa County would be biased against Plaintiff and Mr. Floyd would be unable to obtain a fair trial from a Santa Rosa County jury due to his status as a "minority northerner." (See Omnibus Memorandum, p. 5) These assertions are inflammatory, baseless, unsubstantiated, and do not merit consideration by this Court.

### CONCLUSION

For these reasons – and the reasons set forth in Co-Defendants' Motion to Transfer Venue – Defendant ASC maintains that Orange County is a *forum non conveniens* and transfer to Santa Rosa County is proper and necessary to the convenience of the parties and witnesses as well as the interests of justice. Therefore, Defendant respectfully

requests that this Honorable Court GRANT Co-Defendants Motion to Transfer Venue and enter an Order transferring this case to the Circuit Court in and for Santa Rosa County, Florida.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing document has been electronically filed with the Clerk of the Court, and a true and correct copy was furnished to the following counsel on this 6th day of February, 2019, as follows:

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*Attorneys for ASC*

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF DUVAL

BEFORE ME, the undersigned notary public in and for the State of Florida, personally came and appeared Kirk Carter, who being by me first duly sworn, deposes and says as follows:

1. I, Kirk Carter, am an attorney licensed to practice in the State of Florida (Florida Bar No. 123035).

2. I am competent to make this affidavit and have personal knowledge of the facts set forth herein.

3. Based upon information and belief, Pensacola International Airport is served by a number of major airlines and offers non-stop service to Atlanta, Georgia; Charlotte, North Carolina; Dallas, Texas; Denver, Colorado; Houston, Texas; Miami, Florida; Nashville, Tennessee; Orlando, Florida; Philadelphia, Pennsylvania; Tampa, Florida; and Washington, D.C. (See Pensacola International Airport Flight Schedule, attached hereto as Exhibit "A-1")

4. Based upon information and belief, the Santa Rosa County Courthouse is approximately 177 miles, a two hour and thirty-five-minute drive, from the offices of Hall Booth Smith, P.C. located at 2565 Barrington Circle, Tallahassee, Florida 32308. This is a more convenient location than the Orange County Courthouse, which is 255 miles, a three hour and thirty-nine minute drive, from counsel's Tallahassee office.

5. Based upon information and belief, the following individuals are expected to have knowledge and information regarding Plaintiff's physical condition, care, treatment, and recovery based upon their involvement in his post-operative physical therapy and rehabilitation:

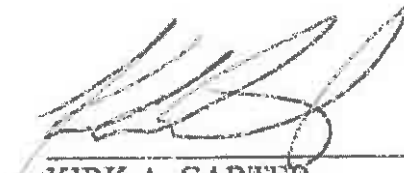


- a. Stephen LaPlante, PT
- b. Albi Gilmer, PT
- c. Hunter Stark, PT
- d. Anthony Inzilla, PT

6. Based upon information and belief, all of these individuals reside and/or work in Santa Rosa County and would be significantly inconvenienced by having to travel 453 miles, a six hour and twenty-nine-minute drive, to Orange County to testify at the trial of this matter.

7. Based upon information and belief, Co-Defendant Christopher Warrell, M.D. began his practice in Orlando in September 2017 after completing a sports medicine fellowship with Andrews Institute for Orthopaedics and Sports Medicine. (See Website for Orlando Orthopaedic Center, accessed Feb. 6, 2019, attached hereto as Exhibit "A-2")

FURTHER AFFIANT SAYETH NAUGHT

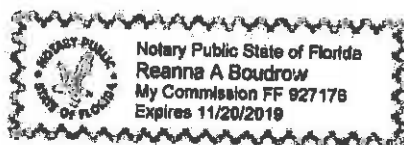
  
KIRK A. CARTER

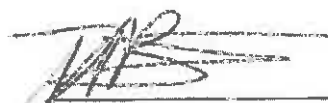
STATE OF FLORIDA

COUNTY OF DUVAL

Before me, the undersigned notary, duly authorized to administer oaths, this day personally appeared, Kirk A. Carter who is ☒ personally known to me, or ☐ produced a \_\_\_\_\_ as identification, and who upon being duly sworn, acknowledges that the foregoing is true and correct.

Sworn to and subscribed before me this 6<sup>th</sup> day of February 2019.



  
NOTARY PUBLIC  
Type or print name: \_\_\_\_\_

# January 22-31, 2019 Flight Schedule

\* ATL - Atlanta \* CLT - Charlotte \* ORD - Chicago O'Hare  
 \* DFW - Dallas Ft. Worth \* DEN - Denver  
 \* HOU - Houston Hobby \* IAH - Houston Intercontinental \* MIA - Miami  
 \* BNA - Nashville \* MCO - Orlando \* PHL - Philadelphia \* TPA - Tampa  
 \* DCA - Ronald Reagan Washington National

\*Remarks - Mon-1 Tue-2 Wed-3 Thur-4 Fri-5 Sat-6 Sun-7 X=Except No op-Flight not operating  
 Jet Aircraft - A321 (192 psg) A320 (180 psg) B757 (182 psg) B739 (180 psg) B738 (160 psg) MD88 (149 psg) B737 (124-143 psg)  
 S80 (140 psg) A319 (126 psg) CRJ (50 psg) ERJ (50 psg) ER4 (50 psg) CR9 (76-79 psg) CR7 (63-70 psg) E70 (86 psg) E75 (76 psg)  
 Turboprop - SF3 (34)

Daily Number of Seats - 6498 (arriving and departing) except weekends  
 68 Daily Flights (arriving and departing) except weekends

Time	ARR/DEP	Airline	FLT#	To/From	Remarks	Aircraft
0600	DEP	Delta	1695	ATL	X67	MD88
0600	DEP	American	5082	DCA	Daily	CR9
0608	DEP	American	5353	CLT	Daily	CR9
0628	DEP	American	4437	MIA	Daily	E75
0630	DEP	Delta	1628	ATL	67	MD88
0700	DEP	United	6262	IAH	X137	E75
0700	DEP	United	4421	IAH	37	ERJ
0700	DEP	United	5830	IAH	1	CRJ
0705	DEP	Delta	1676	ATL	X67	MD88
0713	DEP	American	2453	DFW	Daily	S80
0755	ARR	Silver Airways	82	TPA	X7	SF3
0800	DEP	Southwest	158	BNA	X67	737
0812	DEP	American	5237	CLT	Daily	CR7
0815	DEP	Delta	1682	ATL	X6	MD88
0825	DEP	Silver Airways	82	TPA	X7	SF3
0830	ARR	Silver Airways	64	MCO	X7	SF3
0835	DEP	Southwest	3224	BNA	6	737
0845	DEP	Delta	1682	ATL	6	MD88
0855	DEP	Silver Airways	64	MCO	X7	SF3
0916	ARR	Delta	1645	ATL	X67	MD88
0920	DEP	Southwest	4324	BNA	7	737
0930	ARR	Southwest	647	BNA	X67	737
1000	DEP	Delta	1645	ATL	X6	MD88
1004	ARR	American	4435	MIA	Daily	E75
1010	DEP	Southwest	647	HOU	X67	737
1020	ARR	Frontier	638	DEN	135	A320
1020	ARR	American	5511	CLT	7	CR9
1022	ARR	American	5511	CLT	X7	CR7
1025	DEP	Delta	1645	ATL	6	MD88
1035	ARR	Southwest	5469	BNA	6	737
1036	ARR	Delta	1676	ATL	6	MD88
1037	DEP	American	4435	MIA	Daily	E75
1038	ARR	Delta	1625	ATL	7	MD88
1050	DEP	American	5298	CLT	7	CR9
1053	DEP	American	5298	CLT	X7	CR7
1110	DEP	Frontier	641	DEN	135	A320
1110	ARR	United	4221	IAH	Daily	ERJ
1115	ARR	Southwest	1393	BNA	7	737
1116	ARR	Delta	1625	ATL	X67	MD88
1140	DEP	Southwest	468	HOU	6	737
1140	DEP	United	4107	IAH	Daily	ERJ
1200	DEP	Southwest	1393	HOU	7	737
1200	DEP	Delta	1625	ATL	X6	MD88
1218	ARR	American	3324	DFW	Daily	E75
1247	ARR	American	4537	PHL	Daily	E75
1249	DEP	American	3822	DCA	Daily	E75
1302	ARR	American	3771	DCA	Daily	E75
1315	DEP	Delta	1136	ATL	6	MD88
1317	ARR	Frontier	410	ORD	36	A319
1322	DEP	American	4537	PHL	Daily	E75
1332	DEP	American	3488	DFW	Daily	E75
1348	ARR	United	4393	IAH	Daily	ERJ
1402	DEP	Frontier	413	ORD	36	A319
1409	ARR	Delta	1634	ATL	Daily	MD88
1418	DEP	United	4103	ORD	1	ERJ
1421	DEP	United	4103	ORD	X1	ERJ
1445	ARR	United	4085	ORD	Daily	ERJ
1452	ARR	American	2389	DFW	Daily	S80
1455	DEP	Delta	1634	ATL	X6	MD88
1515	DEP	United	4142	IAH	26	ERJ
1515	DEP	United	4396	IAH	X26	ERJ
1515	ARR	Southwest	3999	HOU	6	737

EXHIBIT

A-1

1531	ARR	Delta	669	ATL	6	MD88
1541	ARR	American	5520	DCA	6	CR9
1551	DEP	American	2389	DFW	Daily	S80
1551	ARR	United	6184	IAH	6	E75
1555	DEP	Southwest	3999	BNA	6	737
1602	ARR	American	5062	CLT	Daily	CR9
1635	DEP	American	5062	CLT	Daily	CR9
1640	ARR	American	3427	MIA	Daily	ER4
1645	DEP	Delta	1725	ATL	6	MD88
1657	ARR	Delta	1755	ATL	X6	MD90
1700	DEP	United	6036	IAH	6	E75
1740	ARR	Southwest	5211	BNA	6	737
1741	DEP	Delta	1755	ATL	X6	MD90
1748	DEP	American	3427	MIA	Daily	ER4
1800	ARR	Silver Airways	61	MCO	X6	SF3
1804	ARR	United	6184	IAH	X6	E75
1805	ARR	Southwest	5095	HOU	7	737
1820	ARR	Southwest	2248	HOU	X67	737
1825	ARR	Delta	1739	ATL	Daily	MD88
1825	DEP	Silver Airways	61	MCO	X6	SF3
1834	ARR	American	10	DFW	6	S80
1835	ARR	Silver Airways	80	TPA	X6	SF3
1845	ARR	American	3877	DFW	X26	E75
1845	DEP	United	6036	IAH	X6	E75
1845	ARR	American	5463	CLT	26	CR7
1845	DEP	Southwest	5095	BNA	7	737
1850	DEP	Southwest	2248	BNA	X67	737
1900	DEP	Silver Airways	80	TPA	X6	SF3
1919	DEP	American	3877	DFW	X26	E75
2000	ARR	Southwest	872	BNA	X67	737
2028	ARR	Delta	1743	ATL	X6	MD88
2030	ARR	Southwest	4395	BNA	7	737
2042	ARR	American	5104	CLT	Daily	CR9
2104	ARR	American	5597	DCA	X6	CR9
2109	ARR	United	6328	IAH	X267	E75
2111	ARR	United	4017	IAH	26	ERJ
2111	ARR	United	5820	IAH	7	CRJ
2229	ARR	American	2641	DFW	X6	S80
2250	ARR	American	4550	MIA	Daily	E75
2255	ARR	Delta	1685	ATL	Daily	MD88
2312	ARR	American	5103	CLT	X26	CR7

Updated 12-27-18 BZ

Flights can change at any time, please contact your air carrier to reconfirm your flight.

 PATIENT PORTAL PAY YOUR BILL REQUEST AN APPOINTMENT

# Orlando Orthopaedic Center

**Call Us:****(407) 254-2500**

## Welcome Dr. Warrell, Our Newest Physician

We are pleased to announce [Christopher S. Warrell, M.D.](#), has joined Orlando Orthopaedic Center as our 24th physician. Dr. Warrell is an orthopaedic surgeon specializing in sports medicine, elbow, knee and shoulder surgery.

Beginning in November, Dr. Warrell will see patients at the new [Orlando Orthopaedic Center Orthopaedic Injury Walk-in Clinic](#) in Winter Garden. Prior to the walk-in clinic opening, Dr. Warrell will see patients at the [downtown](#), [Sand Lake](#) and [Lake Nona](#) office locations.

Originally from Ohio, Dr. Warrell joined Orlando Orthopaedic Center in September 2017 after completing an orthopaedic sports medicine fellowship with the [Andrews Institute for Orthopaedics & Sports Medicine](#) in Gulf Breeze, FL. He also completed an orthopaedic surgery residency and internship with Orlando Health where he served as the Academic Chief Resident.

He has served as assistant team physician and provided medical coverage for a wide variety of organizations including stints with the Auburn University football team, Major League Baseball's Washington Nationals and the Arnold Palmer Invitational.





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**AFFIDAVIT**

STATE OF FLORIDA

COUNTY OF SANTA ROSA

BEFORE ME, the undersigned notary public in and for the State of Florida, personally came and appeared Terri Gatton, who being by me first duly sworn, deposes and says as follows:

1. I, Terri Gatton, am the Administrator of the Andrews Institute Ambulatory Surgery Center ("ASC") whose principal place of business is in Santa Rosa County, Florida. I reside in Santa Rosa County, Florida.

2. Defendant Andrews Institute ASC, LLC is a Florida Limited Liability Company with a principal place of business in Santa Rosa County, Florida.

3. All of ASC's officers, directors, and employees are reside and/or work in Escambia or Santa Rosa County.

4. Every ASC document, including contracts, corporate documents and medical records, is located in Santa Rosa or Escambia County.

5. Every ASC agent, employee, or representative with information related to the allegations in Sharrif Floyd's Complaint is located in Santa Rosa or Escambia County, Florida.

6. It would be a personal hardship upon and inconvenience to every ASC agent, employee, or representative to travel to appear as a witness in Orange County. These employees would not have to travel to appear as witnesses in Santa Rosa County.

7. Moreover, a trial in Orange County would represent a significant financial

EXHIBIT

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hardship for ASC, as it would require us to close our practice for an extended period so that agents, employees, and representatives could travel to appear as witnesses in Orange County. No such hardship would exist if the trial were held in Santa Rosa County.

8. I would not have to travel to appear as a witness in Santa Rosa County, but it would be a hardship and inconvenient for me to travel to appear as a witness in Orange County.

TERRI GATTON  
TERRI GATTON

STATE OF FLORIDA

COUNTY OF Santa Rosa

Before me, the undersigned notary, duly authorized to administer oaths, this day personally appeared, TERRI GATTON who is ☒ personally known to me, or ☐ produced a \_\_\_\_\_ as identification, and who upon being duly sworn, acknowledges that the foregoing is true and correct.

Sworn to and subscribed before me this 5<sup>th</sup> day of February 2019.



Juanita E. Pointer  
NOTARY PUBLIC  
Type or print name: Juanita E. Pointer  
Commission Expires: January 24, 2020  
Commission No.: FF953189